

REMARKS

The foregoing amendment and remarks which follow are responsive to the Office Action mailed March 14, 2005 in relation to the above-identified patent application. In the Office Action, Claims 1, 2, and 4-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by David et al. (i.e., United States Patent Number 6,792,125). Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over David in view of Pfister (i.e., United States Patent Number 6,161,262). No other issues were presented.

By this amendment, Applicants have more clearly and distinctly claimed the subject matter which they regard as their invention, and have also distinguished the present invention from the prior art. In this regard, none of the prior references, either taken alone or in combination, disclose or teach a speaker system having a translatable midrange/tweeter module, comprised of two separate speakers: a tweeter speaker and a midrange speaker.

The David et al. reference, as understood, does not disclose or suggest a construction including a bass speaker, in combination with both a midrange speaker and a tweeter speaker, mounted on a common axis. In fact the David et al. reference consistently refers only to a singular extra speaker, or tweeter, being mounted in line with the bass speaker. See e.g., David et al.; col. 4, lines 63-67; col. 5, lines 29-31; col. 5, line 40. On the other hand, the presently claimed invention contemplates a three-way speaker system, wherein the fixed bass speaker and a translatable module comprising both a midrange speaker and a tweeter speaker are mounted along a common axis. The prior art, as understood, does not teach a translatable two speaker module mounted to a bass

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speaker along a common axis. Therefore, Applicants submit that the invention claimed in the current application is novel and non-obvious.

As is well-known, a prior art reference cannot anticipate in terms of 35 U.S.C. § 102 unless every element of the claimed invention is identically shown in a single reference. In re Bond, 15 U.S.P.Q. 2d, 1566, 1567 (Fed. Cir 1990). In this case, the David et al. reference relied upon does not teach or suggest all of the elements of the claims as amended herein to reflect the presence of a translatable two-speaker midrange/tweeter module. Accordingly, Applicants respectfully submit that the rejections under 35 U.S.C. § 102 cannot now be maintained.

The dependent claims are believed to provide further bases for distinguishing the subject invention from the cited references. For example, Claim 4 recites a compression module comprising a cylindrical base, a spring member disposed within the base, and a cylindrical load member engageable to the spring member. The load member is in compressive engagement with the midrange/tweeter module. The David et al. reference includes a spring in direct contact with the housing. It is therefore believed that the David reference does not teach or suggest the arrangement present in the current invention. Claim 5 recites a midrange/tweeter module comprised of a midrange/tweeter speaker set and a housing. As has been clarified in this Amendment, a midrange/tweeter speaker set comprises both a midrange speaker and a tweeter speaker. The David et al. reference, as understood, includes only a single tweeter speaker contained within a housing. Claim 6 further recites a housing with a concave rear surface portion for abutting engagement with the compression member. The David et al. reference, as understood, does not teach

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or suggest a concave rear surface position. As can be seen in Figure 2 of David, while the side portion of the housing is concave, the rear portion appears to be planar, not concave.

New Claims 10 and 11 are drawn to the arrangement of the speakers within the system. Sound wave interference may be mitigated by arranging the speakers inline along a central axis such that the midrange speaker is positioned between the bass speaker and the tweeter speaker. By arranging the speakers in this manner the more directional, higher frequency speakers are less obstructed by the larger lower frequency speakers. New Claim 12 is drawn to a construction of the housing wherein the concave rear surface portion is formed within a lip. New Claim 13 is drawn to an arrangement of the system wherein the compression member travels along the concave rear surface within the area formed by the lip. This arrangement causes a stop of the translational movement of the midrange/tweeter module when the compression member reaches the boundary of the area formed by the lip. New Claim 14 is drawn to a construction of the housing sidewalls and a construction of the annular support member sidewalls such that the translational movement of the midrange/tweeter module within the yoke is facilitated. Applicants submit that these claims present no new material that was not in the original application or known within the art at the time of invention.

Based on the foregoing, Applicants respectfully submit that the claims, as amended herein, are now in condition for immediate allowance. Early notice to that effect is respectfully requested. To the extent the Examiner has any questions, requires additional information, or has any suggestions to resolve any outstanding issues that may exist, the Examiner is invited to contact Applicant's counsel at the number listed below.

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If any additional fee is required, please charge Deposit Account #19-4330.

Respectfully submitted,

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Customer No.: 007663

By:



Bruce B. Brunda

Registration No. 28,497

STETINA BRUNDA GARRED & BRUCKER

75 Enterprise, Suite 250

Aliso Viejo, California 92656

Telephone: (949) 855-1246

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